

REMARKS/ARGUMENTS

Claims 1, 2, 4, 6-13, 15, 17-24, 26 and 28-33 are pending in the present application. Claims 1, 4, 11, 12, 15, 22, 23, 26 and 33 have been amended, and Claims 3, 14 and 25 have been cancelled, herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness

Claims 1-3, 12-14 and 23-25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Zolnowsky (hereinafter “Zolnowsky”, 6,779,182) in view of Kumpf et al. (hereinafter “Kumpf”, 6,289,371). This rejection is respectfully traversed.

With respect to Claim 1, Applicants have amended Claim 1 to include the features previously recited in Claim 3 (which is thus being cancelled herewith without prejudice or disclaimer). In rejecting Claim 3 (whose features are not a part of amended Claim 1), the Examiner cites Zolnowsky’s teaching at col. 10, lines 21-42 as teaching the claimed feature of creating a connection to a target system for said execution of said job. Applicants urge that, instead, this cited passage describes ‘selecting a processor’ and does not teach or otherwise suggest any creation of a connection to a target system. In any event, Applicants have further amended Claim 1 to further emphasize the networked aspect of the present invention – and in particular that the connection scheduling technique is with respect to the scheduling of network connections. In contrast, the cited Zolnowsky reference contemplates a scheduling technique in a non-networked environment – i.e. in a multiprocessor data processing system (Zolnowsky col. 3, lines 65-67). Because Zolnowsky’s scheduling technique operates solely within such a multiprocessor data processing system, and in particular is directed to the scheduling of internal threads to meet real-time application requirements (Zolnowsky col. 6, lines 32-65), there would have been no reason or other motivation to create any type of network connection to another node of a networked data processing system as a part of a connection scheduling methodology, as claimed. Thus, it is urged that amended Claim 1 is not obvious in view of the cited references as there are missing claimed features that are not taught or suggested by the cited references.

Applicants traverse the rejection of Claim 2 for reasons given above with respect to Claim 1 (of which Claim 2 depends upon).

Applicants traverse the rejection of Claims 12-14 and 23-25 for similar reasons given above with respect to Claim 1.

Therefore, the rejection of Claims 1-3, 12-14 and 23-25 under 35 U.S.C. § 103 has been overcome.

II. 35 U.S.C. § 103, Obviousness

Claims 4, 6-9, 15, 17-20, 26 and 28-31 stand rejected under 35 U.S.C. § 103 as being unpatentable over Zolnowsky in view of Kumpf and further in view of Northrup (hereinafter “Northrup”, 6,671,713). This rejection is respectfully traversed.

With respect to Claims 4 and 6-9, Applicants initially traverse the rejection of such claims for reasons given above with respect to Claim 1 (of which Claims 4 and 6-9 depend upon), and urge that the additional cited reference to Northrup does not overcome the teaching/suggestion deficiency identified above regarding the network connection scheduling methodology recited in Claim 1.

Further with respect to Claim 4, Applicants have amended such claim in accordance with the Specification description at page 15, lines 5-12 and page 18, lines 14-20. Because none of the cited references teach or suggest the scheduling of a network connection or path between nodes in a network, none of the cited references teach or suggest such a scheduled network connection that supports multiple logical sessions, or the launching of a session using an existing network connection. Thus, it is further urged that Claim 4 is not obvious in view of the cited references as there are additional claimed features that are not taught or suggested by the cited references.

Further with respect to Claim 8 (and dependent Claim 9), such claim recites “The method of claim 1 further comprising the step of retrying said steps of determining if a job is available for scheduling, determining if a session is available, and launching said session, in response to an error condition”. The Examiner states that the step of retrying is taught by Zolnowsky col. 8, lines 11-17. Applicants urge that there, Zolnowsky states:

“However, any other suitable synchronization algorithm can be used in alternate embodiments of the present invention. Since the priority variables to be examined are atomic variables that are maintained in each dispatch queue, any scheduling errors caused by selecting a wrong queue will be caught in the a verification step. However, a schedule lock is required to take a thread from a selected queue.”

As can be seen, this cited passage does allude to errors, but that is the extent of any similarities between the teachings of this cited passage and the features recited in Claim 8. Specifically, this passage merely states that scheduling errors ‘will be caught’ in the verification step. This passage does not teach or otherwise suggest that steps of (i) determining if a job is available, (ii) determining if a session is available, and (iii) launching the session *are retried in response to an error condition*. In fact, this passage does not describe anything being done *in response to* an error condition. Rather, this passage

merely states that an error is ‘caught’. Thus, it is further urged that Claim 8 (and dependent Claim 9) is not obvious in view of the cited references as there are additional claimed features that are not taught or suggested by any of the cited references.

Applicants initially traverse the rejection of Claims 15, 17-20, 26 and 28-31 for similar reasons to those given above with respect to Claim 1, and urge that the additional cited reference to Northrup does not overcome the teaching/suggestion deficiency identified above regarding the network connection scheduling methodology recited in Claim 1.

Applicants further traverse the rejection of Claims 15 and 26 for similar reasons to those given above with respect to Claim 4.

Applicants further traverse the rejection of Claims 19, 20, 30 and 31 for similar reasons to those given above with respect to Claim 8.

Therefore, the rejection of Claims 4, 6-9, 15, 17-20, 26 and 28-31 under 35 U.S.C. § 103 has been overcome.

III. 35 U.S.C. § 103, Obviousness

Claims 10-11, 21-22 and 32-33 stand rejected under 35 U.S.C. § 103 as being unpatentable over Zolnowsky in view of Kumpf and Northrup and further in view of Rangarajan et al. (hereinafter “Rangarajan”, 6,260,077). This rejection is respectfully traversed.

With respect to Claim 10 (and dependent Claim 11), Applicants traverse the rejection of such claim for reasons given above with respect to Claim 1 (of which Claim 10 ultimately depends upon), and urge that the additional cited references to Northrup and Rangarajan do not overcome the teaching/suggestion deficiency identified above regarding the network connection scheduling methodology recited in Claim 1.

Further with respect to Claim 11, such claim recites “wherein said steps of determining if a job is available for scheduling, determining if a session is available, and launching said session are performed in response to an invoking of said callback method by said target system”. In rejecting Claim 11, the Examiner states:

“Zolnowsky, Kumpf and Northrup fail to explicitly disclose the steps of determining if a job is available for scheduling, determining if a session is available, and launching said session being performed in response to an invoking of a callback method by a target system, the target system for execution of said job. However, the use and advantages for a target system responding to an

elapsed time expiration is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Rangarajan”

Applicants urge that even assuming *arguendo* that a target system responding to an elapsed time expiration is well known, such well-known assertion does not establish the specific claimed features recited in Claim 11 of “wherein said steps of determining if a job is available for scheduling, determining if a session is available, and launching said session *are performed in response to* an invoking of said callback method by said target system”. Even if it were well known that a target system responds to an elapsed time expiration, such well known assertion does not establish a specific teaching or suggestion that particular actions/steps are performed (e.g., ‘determining’, ‘launching’) *in response to* such an elapsed time expiration. Thus, a proper *prima facie* showing of obviousness has not been established by the Examiner¹, and thus Claim 11 has been erroneously rejected under 35 U.S.C. § 103².

Applicants initially traverse the rejection of Claims 21-22 and 32-33 for similar reasons to those given above with respect to Claim 10.

Applicants further traverse the rejection of Claims 22 and 33 for similar reasons to the further reasons given above with respect to Claim 11.

Therefore, the rejection of Claims 10-11, 21-22 and 32-33 under 35 U.S.C. § 103 has been overcome.

¹ To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974).

² If the examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: April 11, 2007

Respectfully submitted,

/Wayne P. Bailey/

Wayne P. Bailey
Reg. No. 34,289
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants